

USPTO 4/22/2004 4:02 PM PAGE 1/001 Fax Server  
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## Auto-Reply Facsimile Transmission



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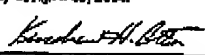
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04/22/2004 13:08 FAX 202 419 7007	FITCH EVEN	001
 <b>Fitch, Even, Tabin &amp; Flannery</b> <i>Intellectual Property Law</i> 1801 K Street, NW, Suite 401L Washington, D.C. 20006 Phone: (202) 419-7000 Fax: (202) 419-7007		
<b>TELECOPIER COVER SHEET</b>		
Client/Matter No: 7391/71214	Date: April 22, 2004	
The transmission that follows totals <u>4</u> pages, including this cover sheet. Please deliver immediately to the following:		
ATTN: Examiner Cepha D. Toomer Art Unit 1714 Mail Stop: AF Reissan	Fax: 703 672-6306	
Re: U.S. Application No. 09/694,285 GAITO et al.		
This transmission is being sent by <u>Kenneth Colton</u> , please call (202-419-7000) if there is a problem with this transmission.		
<b>COMMENTS:</b>		
<b>CERTIFICATE OF FACSIMILE:</b> I hereby certify that these papers (Notice of Appeal and paper regarding Notice of Allowability filed to PAHQ) are being transmitted via facsimile to: Commissioner of Patents, Washington, D.C. 20231. Attn: Examiner Cepha D. Toomer, on this day of April 22, 2004.		
 Kenneth H. Colton, Reg. No. 38,368		
*****		
This transmission with its attachments is intended for the use of the individual or entity to which it is addressed, and may contain information that is <b>PRIVILEGED &amp; CONFIDENTIAL</b> . If you are not the intended recipient and have received this transmission in error, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. Please notify the operator immediately by telephone and mail the original telecopier message back to us. We will reimburse your first-class mail costs.		
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**Fitch, Even, Tabin & Flannery**  
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Washington, D.C. 20006  
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**TELECOPIER COVER SHEET**

Client/Matter Nos: 7391/71214

Date: April 22, 2004

The transmission that follows totals 4 pages, including this cover sheet. Please deliver immediately to the following:

Attn: Examiner Cephia D. Toomer  
Art Unit 1714  
Mail Stop: AF Reissue

Fax: 703 872-9306

Re: U.S. Application No. 09/604,285  
GATTO et al.

This transmission is being sent by Kendrew Colton, please call (202-419-7000) if there is a problem with this transmission.

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**Fitch, Even, Tabin & Flannery**  
*Intellectual Property Law*

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Washington, D.C. 20006  
Phone: (202) 419-7000 Fax: (202) 419-7007

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**Kendrew H. Colton, Reg. No. 30,368**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : GATTO et al.  
Application No. : 09/604,285  
Filed : June 26, 2000  
For: LUBRICANT CONTAINING MOLYBDENUM  
COMPOUND AND SECONDARY DIARYLAMINE

**Confirmation No. 5162**

TC/A.U. : 1714  
Examiner : Cephia Toomer  
Docket No. : 7391/71214  
Customer No. : 22242

April 22, 2004

**COMMISSIONER FOR PATENTS**  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF Reissue  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

We appreciate the Notice of Allowability listed in PAIR, but understand that it has not been mailed yet.

In an abundance of caution, in order to ensure this application remains pending, we herewith file, as a contingency, a Notice of Appeal.

If the Examiner has any questions, please have no hesitation in contacting the undersigned. The Examiner's courtesies in recent telephone calls concerning status are acknowledged with appreciation.

Respectfully submitted,

By: Kendrew H. Colton

Fitch, Even, Tabin & Flannery  
1801 K Street, N.W., Suite 401L  
Washington, D.C. 20006-1201

Kendrew H. Colton  
Registration No. 30,368  
Tel: 202-419-7000  
Fax: 202-419-7007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln No.:	09/604,285	)	Confirmation No. 5162
Filed:	June 23, 2000	)	
Applicant(s):	GATTO et al.	)	
Title:	LUBRICANT CONTAINING MOLYBDENUM COMPOUND AND SECONDARY DIARYLAMINE	)	
Art Unit:	1714	)	April 22, 2004
Examiner:	Cephia D. Toomer	)	
Attorney Docket No.:	7391/71214	)	
Customer No.:	22242	)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated \_\_\_\_\_ finally rejecting claims \_\_\_\_\_.

- ☒ The fee for this Notice of Appeal is \$ 330.00 (37 CFR § 1.17(b)).
- ☐ Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 0.00.
- ☒ Charge \$ 330.00 to Deposit Account No. 06-1135, under Order No. 7391/71214.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Not required (fee paid in prior appeal in this application).
- ☐ A petition for extension of time under 37 CFR § 1.136(a) is enclosed.

Application No. 09/604,285  
Notice of Appeal dated April 22, 2004

- ☒ The Director is hereby authorized to charge any additional fees which may be required in connection with this appeal (specifically including the fee for filing a brief in support of this appeal if such brief is filed unaccompanied by full payment therefor, and the fee for filing a request for an oral hearing if such request is made unaccompanied by full payment therefor), or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Director is authorized to charge the unpaid amount to Deposit Account No. 06-1135, under Order No. 7391/71214. This Notice is filed in duplicate.

April 22, 2004

Date

Kendrew H. Colton

Kendrew H. Colton

Registration No. 30,368

- ☒ Attorney or agent of record  
☐ Inventor(s)  
☐ Assignee  
☐ Filed under 37 CFR § 1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
1801 K Street, N.W. - Suite 401L  
Washington, D.C. 20006-1201  
Telephone: (202) 419-7000  
Facsimile: (202) 419-7007